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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,440	12/14/2001	Michael S. Zaharkin	962.007US1	2301

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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,440

Applicant(s)

ZAHARKIN, MICHAEL S.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 11-12, 16-23, 29, 31, 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-15, 24-28, 30, 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/30/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: original application filed 12/14/2001, PCT date 6/14/2000, provisional filing date of 6/14/1999. IDS filed 4/30/2002.

2. Claims 1-35 pending. As per response to Restriction Requirement, claims 1-10, 13-15, 24-28, 30, 32-34 have been selected for examination of the merits. Claims 1, 9, 13, 14, 24, 25, 26, 30, 32, 33, 34 are independent claims.

Election/Restrictions

3. Applicant's election without traverse of Group I claims 1-10, 13-15, 24-28, 30, 32-34 in the reply filed on 4/27/2005 is acknowledged.

Claim Rejections - 35 USC § 112

4. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 24, 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to independent claims 24, 26, not enough elements are present in the combined limitations of each of said claim for the examiner to ascertain what Applicant's invention is (as defined by said claims), therefore each of said claims are vague and indefinite.

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In regard to dependent claims 27-28, claims 27-28 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. The claimed invention (as claimed in claims 1-10, 14-15, 24-28, 30, 32-34) is directed to non-statutory subject matter.

In regard to independent claims 1, 9, 32, 33, 34, the combined limitations within each said claim can be fairly interpreted as a series of mental and/or manual steps, therefore each said claim is directed to non-statutory subject matter.

In regard to independent claim 14, the limitations of independent claim 14 can be fairly interpreted as a series of mental and/or manual steps (i.e. a manual pen/paper system), and is therefore directed to non-statutory subject matter.

It is noted that since dependent claim 15 claims memory/computer modules on a computer, said claim is presented as evidence that independent claim 14 is not claiming a computer-based system.

In regard to independent claims 24, 25, 26, 30, a computer readable medium storing data (or a data structure stored on said medium) can be interpreted as non-functional descriptive material, since said claims do not recite instructions causing a computer to execute various steps accordingly.

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A carrier wave in a data stream, and computer signals in a data stream is directed towards non-statutory subject matter, since said waves and streams are not embodied on a computer readable medium with instructions causing a computer to perform various steps accordingly.

In regard to dependent claims 2-8, 10, 15, 27-28, claims 2-8, 10, 27-28 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 24-26, 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wanderski et al. (hereinafter Wanderski), U.S. Patent No. 6,519,617 issued February 2003.

In regard to independent claims 24, 25, Wanderski discloses a computer readable medium (Wanderski column 6 lines 51-61).

Wanderski discloses transformation (using software) for converting an XML document with DTD into a new transformed document reflective of an XML dialect (Wanderski column 4 lines 25-42). A plurality of

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DTDs are generated, as needed, so that a document (an output file) will conform to its new DTD accordingly (Wanderski column 11, lines 60-67).

In regard to independent claim 26, Wanderski discloses creation of an XML “dialect” using dynamically selected transformations, comprising receiving a document (i.e. XML) and a DTD (Wanderski Abstract, column 4 lines 25-43). The XML document is parsed into a DOM tree of nodes which serves to map nodes to said XML document (Wanderski column 9 lines 9-12, column 7 lines 49-67).

It is generally known in the art that a tree of elements (i.e. a DOM tree of nodes) contains at least one segment reflecting nodes of a particular portion of a document.

In regard to independent claims 32, 33, 34, Wanderski discloses transformation (using software) for converting an XML document with DTD into a new transformed document reflective of an XML dialect (Wanderski column 4 lines 25-42). A plurality of DTDs are generated, as needed, so that a document (an output file) will conform to its new DTD accordingly (Wanderski column 11, lines 60-67). In this fashion, various documents are “disambiguated” via compliance with their respective (different) DTDs, changing all, or portions of documents as necessary.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1-10, 13-15, 27-28, 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Wanderski et al. (hereinafter Wanderski), U.S. Patent No. 6,519,617 issued February 2003.

In regard to independent claim 1, Wanderski teaches creation of an XML “dialect” using dynamically selected transformations, comprising receiving a document (i.e. XML) and a DTD (Wanderski Abstract, column 4 lines 25-43). The XML document is parsed into a DOM tree of nodes which serves to map nodes to said XML document (Wanderski column 9 lines 9-12, column 7 lines 49-67). The DOM tree reflects a candidate path from node to node.

Wanderski alters (disambiguates) the DOM nodes accordingly (Wanderski column 11 lines 5-48). A new DTD is dynamically generated corresponding to the modified nodes of the DOM tree (Wanderski column 11 lines 59-67), therefore a new dialect of an XML document is created, so that when the new XML document is re-created, the new document is generated based upon instructions by the new DTD.

Wanderski does not specifically teach selection based upon “scoring” of candidate paths. However, Wanderski teaches redundancy reduction and default attribute values comprising reducing redundant nodes of a DOM tree, as well as keeping count of the number of times a value occurs, so as to determine a “default” value (Wanderski column 13 lines 44-53, column 14 lines 4-11). Since these methods of DOM alteration incorporate a form of tallying for statistical purposes, it would have been obvious to one of ordinary skill in the art at the time of the invention for the skilled artisan to keep score of the nodes (as explained above) so as to provide the benefit of streamlining the DOM tree for a more compact document.

In regard to dependent claims 2-3, Wanderski teaches a DTD further modifying an XML document (Wanderski column 7 lines 60-65, column 4 lines 34-39).

In regard to dependent claims 4-8, Wanderski does not specifically teach selection based upon “scoring” of candidate paths. However, Wanderski teaches redundancy reduction and default attribute values

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comprising reducing redundant nodes of a DOM tree, as well as keeping count of the number of times a value occurs, so as to determine a “default” value (Wanderski column 13 lines 44-53, column 14 lines 4-11). Since these methods of DOM alteration incorporate a form of tallying for statistical purposes, it would have been obvious to one of ordinary skill in the art at the time of the invention for the skilled artisan to keep score of the nodes (as explained above) so as to provide the benefit of streamlining the DOM tree for a more compact document.

In regard to independent claim 9, claim 9 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 10, Wanderski alters (disambiguates) the DOM nodes accordingly (Wanderski column 11 lines 5-48). A new DTD is dynamically generated corresponding to the modified nodes of the DOM tree (Wanderski column 11 lines 59-67), therefore a new dialect of an XML document is created, so that when the new XML document is re-created, the new document is generated based upon instructions by the new DTD.

Wanderski does not specifically teach selection based upon “scoring” of candidate paths. However, Wanderski teaches redundancy reduction and default attribute values comprising reducing redundant nodes of a DOM tree, as well as keeping count of the number of times a value occurs, so as to determine a “default” value (Wanderski column 13 lines 44-53, column 14 lines 4-11). Since these methods of DOM alteration incorporate a form of tallying for statistical purposes, it would have been obvious to one of ordinary skill in the art at the time of the invention for the skilled artisan to keep score of the nodes (as explained above) so as to provide the benefit of streamlining the DOM tree for a more compact document.

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In regard to independent claim 13, claim 13 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 14, claim 14 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 15, Wanderski teaches a workstation (Wanderski Figure 1, column 5 lines 30-49, column 6 lines 10-21).

In regard to dependent claims 27, 28, claims 27, 28 incorporate substantially similar subject matter as claimed in claim 26, and in further view of the following, is rejected along the same rationale.

Wanderski does not specifically disclose “solid”, “quantum” and “terminal” nodes. However, Wanderski teaches tags with multiple sub-elements to reflect each dynamic factor, suggesting a form of quantum node (alternative nodes) (Wanderski column 10 lines 55-67). In addition, a DOM tree typically contain root and terminal elements (suggesting solid and terminal nodes). In view of the above teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such nodes, providing the benefit of accurately analyzing a DOM tree by recognizing its components.

In regard to independent claim 30, Wanderski teaches creation of an XML “dialect” using dynamically selected transformations, comprising receiving a document (i.e. XML) and a DTD (Wanderski Abstract, column 4 lines 25-43). The XML document is parsed into a DOM tree of nodes which serves to map nodes to said XML document (Wanderski column 9 lines 9-12, column 7 lines 49-67). The DOM tree reflects a candidate path from node to node.

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Wanderski alters (disambiguates) the DOM nodes accordingly (Wanderski column 11 lines 5-48). A new DTD is dynamically generated corresponding to the modified nodes of the DOM tree (Wanderski column 11 lines 59-67), therefore a new dialect of an XML document is created, so that when the new XML document is re-created, the new document is generated based upon instructions by the new DTD.

Wanderski does not specifically disclose “solid”, “quantum” and “terminal” nodes. However, Wanderski teaches tags with multiple sub-elements to reflect each dynamic factor, suggesting a form of quantum node (alternative nodes) (Wanderski column 10 lines 55-67). In addition, a DOM tree typically contain root and terminal elements (suggesting solid and terminal nodes). In view of the above teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such nodes, providing the benefit of accurately analyzing a DOM tree by recognizing its components.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM BASHORE
PRIMARY EXAMINER

May 15, 2005